IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 4417 of 1995

Between:

1 Dasari Appalanaidu, S/o. Arasavilli Suryanarayana,
R/o. Maruvada Village, Bondapalli Mandal, Vizianagaram District.
2 Pudi Suribabu, S/o. Pydinaidu.
R/o. Maruvada Village, Bondapalli Mandal, Vizianagaram District.
3 Vesarapu Appalaswami, S/o. Yerrinaidu.
R/o. Maruvada Village, Bondapalli Mandal, Vizianagaram District.
4 Kodula Krishna, S/o. Simhadri.
R/o. Maruvada Village, Bondapalli Mandal, Vizianagaram District.
5 Smt. Dasu Ammaji, W/o. Narayanappala Naidu.
R/o. Maruvada Village, Bondapalli Mandal, Vizianagaram District.
6 Gorla Narayanappala Naidu, S/o. China Musalinaidu.
R/o. Maruvada Village, Bondapalli Mandal, Vizianagaram District.

..... PETITIONERS

AND

1 The Joint Collector, Vizianagaram.
2 The Mandal Revenue Officer,
Bondapalli Mandal, Vizianagaram District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, more particularly a Writ of Certiorari, calling for the records relating to the proceedings of the Joint Collector, Vizianagaram in Rc.No.1623/94/B.6 dated 09/02/1995 and quash the same, by declaring as illegal and void.

Counsel for Petitioners: MR. G.VENKATESWARA RAO

Counsel for Respondents : GOVERNMENT PLEADER FOR REVENUE

The Court made the following:

ORAL ORDER:

This writ petition is filed questioning the order of the Joint Collector -1st respondent dated 9-2-1995 in Rc.No.1623/94/B.6.

By the said proceedings, the 1st respondent passed orders cancelling house site pattas granted to the petitioners earlier at Maruvada Village, Bandapalli Mandal.

It is the case of the petitioners, as stated in the affidavit filed in support of the writ petition, that as they are found eligible for grant of house site pattas, they were granted pattas in respect of the land in question in the year 1983 and since they have been in possession and enjoyment of the same. It is stated that now without issuance of any prior notice or opportunity, the impugned order of cancellation was passed. Further, it is the case of the petitioners that no reasons are assigned in the impugned proceedings to cancel the pattas granted to them.

Though the writ petition is of the year 1995, no counter affidavit is filed .

When it is categorically stated by the petitioners that they are not given any prior notice or opportunity of hearing, in the absence of the counter affidavit on behalf of the respondents, the averments of the petitioners have to be accepted. Further, from a reading of the impugned proceedings, it is clear that it does not indicate any single reason except merely stating that the petitioners are ineligible. Therefore the impugned order cannot be sustained on the ground that the impugned orders are passed without prior notice and also there is no single reason assigned therein.

The impugned order is set aside and the writ petition is accordingly allowed. No costs.

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9-12-2004

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To

1. The Joint Collector, Vizianagaram District, Vizianagaram.

2. The Mandal Revenue Officer, Bondapalli Mandal, Vizianagaram District.

3. Two CCs to the Government Pleader for Revenue, High Court

Buildings, Hyderabad (O.U.T).

4. Two CD copies.